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**FILED
HARRISBURG**

FEB 15 2002

MARY E. D'ANDREA, CLERK
Per. XLS
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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

William Hazzard,

Plaintiff Civil Action—Law

v.

No. 1:CV-00-1758

Tim Curtis, Mack McMurray,
AFSCME District 90, and the
Harrisburg School District,

Defendants

RAMBO

**MOTION OF DEFENDANTS
AFSCME DISTRICT COUNCIL 90 AND ROBERT McMURRAY
FOR SUMMARY JUDGMENT**

Defendants, AFSCME District Council 90 ("AFSCME") and Robert McMurray, by and through their undersigned counsel, hereby move for Summary Judgment pursuant to Fed. R. Civ. P. Rule 56(b), and in support thereof aver as follows:

1. All parties have had a full opportunity to engage in discovery, and the time for discovery has now closed.

2. There is no genuine issue as to any material fact. The uncontested facts are set forth in the accompanying statement of material facts, which is incorporated herein by reference.

3. Plaintiff has failed to adduce sufficient evidence to satisfy his burden of proof as to the essential elements of his claims against Defendants McMurray and AFSCME.

4. Specifically, Plaintiff has adduced no evidence that Defendant McMurray or Defendant AFSCME discriminated against Plaintiff on account of his race, nor that Defendant McMurray or Defendant AFSCME have breached any duty of fair representation owed to Plaintiff.

5. Defendants McMurray and AFSCME are entitled to judgment in their favor as a matter of law.

WHEREFORE, Defendants McMurray and AFSCME respectfully request that this Court enter Summary Judgment in favor of Defendants McMurray and AFSCME, and against Plaintiff, and that the Court dismiss the Complaint with prejudice.

Respectfully submitted,
WILLIG, WILLIAMS & DAVIDSON

BY:

A handwritten signature in black ink, appearing to read "Elaine S. Williams", is written over a horizontal line.

ELAINE S. WILLIAMS, ESQUIRE

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Attorneys for Defendants
McMurray and AFSCME

Dated: February 14, 2002

CERTIFICATE OF SERVICE

I, Eric M. Fink, hereby certify that I have this day sent a copy of the Motion for Summary Judgment in the foregoing matter to the counsel listed below, by first class mail, postage prepaid:

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Harrisburg School District



Eric M. Fink

Dated: February 14, 2002